

Letter O-5 – San Diego Audubon Society

- O-5-1** The County acknowledges and appreciates the comment. The comment will be included as part of the FEIR and considered by the decision makers. However, the comment provides introductory information regarding the commenter, and does not raise any issue or include any substantive comment with regard to the adequacy of the DEIR. For that reason, the County provides no further response to this comment.
- O-5-2** The County acknowledges and appreciates the comment. It will be included as part of the FEIR and considered by the decision makers. However, while the PEIR was certified in 1992, the DEIR (2015) provides current information and assessment of potential impacts. The comment does not present any issue or make any substantive comment about the adequacy of the DEIR; for that reason, no further response is needed or required.
- O-5-3** The County acknowledges the importance of the Otay Mesa and Proctor Valley populations of Quino checkerspot butterflies (QCB). The Project applicant, County, and resource agencies have worked cooperatively to avoid and minimize impacts to QCB to the greatest extent feasible. In fact, the proposed Project was redesigned after QCB became a listed species in 1997 to substantially reduce impacts to QCB habitat onsite and to create a more viable onsite preserve for QCB. The redesign of the Project was subject to extensive consultation with the wildlife agencies spanning 10+ years. Consequently, the proposed Project design provides mitigation for this species through onsite habitat preservation and creation at a 2:1 ratio and a robust QCB Management/Enhancement Plan for the Project site (see DEIR, Summary, page S-23, mitigation measure M-BI-9b). Additionally, the County of San Diego is working to complete the Quino Amendment to the MSCP to add coverage and management and enhancement requirements for QCB, which will ultimately take the place of the Project's onsite QCB Management/Enhancement Plan. The Project's QCB Management/Enhancement Plan was prepared using the management framework developed by the County and the Wildlife Agencies for the County's Quino Amendment. An early version of the Project's Management/Enhancement Plan has been reviewed by the Wildlife Agencies and revised significantly in response to their input. The QCB Management/Enhancement Plan (revised as requested by the Wildlife Agencies) and draft Quino Amendment have been prepared to ensure the survival and management of QCB individuals and habitat at a regional and a project level. Mitigation measure M-BI-9b states, "Quino Management/Enhancement Plan: Prior to the issuance of the first grading permit that impacts Quino checkerspot butterfly, the Project applicants shall prepare a long-term Quino Checkerspot Butterfly Management/Enhancement Plan that shall, at a minimum, include a survey methodology for on-site preserve areas pre- and post- construction to monitor effects on Quino checkerspot butterfly population health. This plan will be submitted to, and be to the satisfaction of, both the Directors of the Departments of Planning & Development Services and of Parks and Recreation. The Quino Checkerspot Butterfly Management/ Enhancement Plan shall be superseded or unnecessary upon completion and adoption of the County Quino Amendment to the MSCP. A draft of the plan has been prepared and is included in the DEIR. The plan includes restoration activities and performance criteria and standards. Adaptive management techniques shall be developed within the plan with contingency methods for changed circumstances. These measures shall ensure that the potential loss of individuals and the loss of habitat for the species related to the proposed development are adequately offset by measures that will enhance the existing preserved population, and shall provide data that will help the species recover throughout its range." (See DEIR, Summary, page S-23.) Please see Global Response R4: Quino Checkerspot Butterfly. Subsequent to public review of the 2015 DEIR, a new alternative, Alternative H, was introduced as a result of coordination with the Wildlife Agencies. Additional review of Alternative H was conducted and then released for public review in the spring of 2019.

Information on Alternative H can be found in the recirculated Chapter 4.0 as well as Appendix D-3.

As to the comment that impacts to these populations should be avoided at all costs, the comment expresses the opinion of the commenter and will be made available to the decision makers prior to their consideration of the Project.

O-5-4 The County disagrees with the comment regarding impacts to vernal pools and San Diego fairy shrimp. As reported in the DEIR on page 2.3-19, one (1) vernal pool containing the federally listed San Diego fairy shrimp would be significantly impacted by the proposed Project; however, all other pools that are occupied by this species are proposed to be preserved. In addition to the Project's avoidance measures, the alignment of Otay Lakes Road between Project neighborhoods R-3 and R-4 was adjusted to increase the buffer for a complex of vernal pools within the City of San Diego's MSCP Cornerstone Lands between the road and Lower Otay Reservoir. The alignment of the road was planned carefully in this area to increase the protection for this complex of vernal pools. As to mitigation, mitigation measure BI-10 requires that the Project applicant consult with the appropriate agencies and obtain all necessary approvals prior to commencing grading of any vernal pools, thereby adequately mitigating the potential impacts: "Prior to the issuance of the first grading permit that impacts the K6 vernal pool complex, the Project applicants shall demonstrate to the satisfaction of the Director of Planning and Development Services (or his/her designee) that the Project has secured take authorization of San Diego fairy shrimp through Section 7 Consultation, a Section 10 incidental take permit, or as may be incorporated into the provisions of the Quino Amendment to the MSCP to achieve the best results toward the survival and recovery of the species" (DEIR, Section 2.3.5, page 2.3-47). In addition to obtaining all necessary permits, the DEIR includes Appendix J Conceptual Vernal Pool Mitigation Plan. This plan has been prepared per the County requirements and includes the summary of the compensatory mitigation, the goals of the mitigation, a description of the mitigation site, the detailed description of the implementation plan, the outline of the maintenance and monitoring, and the process for completion of the mitigation and addressing of contingency measures. Specifically, the mitigation outlined in the Conceptual Vernal Pool Mitigation Plan includes the following: "...a 2:1 mitigation ratio for the pools not occupied by San Diego fairy shrimp and 5:1 mitigation ratio for the occupied pool. Thus, 0.025 acre will mitigate for impacts to the occupied pool, and 0.214 acre will mitigate for the impacts to the unoccupied pools for a total mitigation of 0.239 acre of vernal pool basin area." Subsequent to public review of the 2015 DEIR, a new alternative, Alternative H, was introduced as a result of coordination with the resource agencies. Additional review of Alternative H was conducted and then released for public review in the spring of 2019. Information on Alternative H can be found in the Recirculated Chapter 4.0 as well as Appendix D-3. Appendix B in the Appendix D-3 outlines mitigation within the K8 mesa which currently also has vernal pools and opportunities for restoration and enhancement. The Appendix B provides for no net loss as well as additional acreage of vernal pool mitigation in accordance with the M-BI-10 mitigation measure.

O-5-5 Please see Global Response 2: Golden Eagle.

O-5-6 The comment expresses the opinion that mitigation proposed for impacts to western burrowing owl, coastal California gnatcatcher, and other sensitive species and habitats is "questionable,"

though the comment does not provide any specific reasons why the mitigation is, presumably, inadequate. As reported in the DEIR and Appendix C-3, the Biological Resources Technical Report, the mitigation proposed for impacts to the burrowing owl and gnatcatcher, as well as other identified significant impacts, including impacts to sensitive vegetation, jurisdictional resources, and wildlife movement, would reduce the impacts to less than significant. Therefore, no further mitigation, or revisions to the proposed mitigation, is required. In the discussion in the DEIR, Section 2.3.5.1, mitigation for impacts to sensitive vegetation communities is addressed by mitigation measure M-BI-1a with the conveyance of 887.7 acres of the Otay Ranch Preserve in accordance with the Otay Ranch RMP. Mitigation for impacts to onsite sensitive vegetation communities is also provided by mitigation measures M-BI-1b through M-BI-1g and M-BI-2 and M-BI-3. These mitigation measures include biological monitoring, temporary and permanent protective fencing and signage, upland restoration, establishment of a Limited Building Zone easement, and a habitat manager. Mitigation for impacts to offsite impacts to sensitive vegetation is provided in accordance with the City of San Diego and City of Chula Vista requirements. Mitigation for impacts to jurisdictional resources is discussed in Section 2.3.5.2 and mitigation measures M-BI-4, M-BI-5, and M-BI-6 provide for the permitting and creation and enhancement of wetlands as required by the acreage of impact and location of the impact. Per the discussion in the DEIR, page 2.3-20, the preservation of coastal California gnatcatcher habitat exceeds the Otay Ranch Resource Management Requirements based on the preservation of 962 acres; thus mitigation measure M-BI-1a provides suitable mitigation for impacts to this species. Impacts to burrowing owl are addressed in the DEIR on page 2.3-21 as follows: “Impacts to the 19 remaining County Group I species and CDFW SSC are considered *less than significant*. Conservation provided through the Otay Ranch RMP and MSCP Subarea Plan conformance/equivalency would provide mitigation for direct impacts to four species: orange-throated whiptail (*Aspidoscelis hyperythra*), San Diego [coast] horned lizard (*Phrynosoma blainvillii*), Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), and burrowing owl (*Athene cunicularia*).” Mitigation measure M-BI-1a addresses the burrowing owl, as well as other special-status wildlife species with the conveyance required of the project. Impacts to wildlife habitat linkages and movement corridors is addressed in the DEIR in Section 2.3.5.6 and mitigation is provided by mitigation measure M-BI-12. This mitigation measure states that four wildlife culverts shall be constructed to provide and improve habitat linkages and movement corridors and that mitigation measure M-BI-12, combined with the proposed preserve configuration, would reduce significant impacts to wildlife movement to a less than significant level.

- O-5-7** The cumulative impacts of the proposed Project, including potential impacts associated with off-site road improvements (i.e., widening of Otay Lakes Road) have been adequately addressed in the EIR. As the comment does not raise any particular issue with respect to that analysis, no further response is required. With respect to the comment regarding “urban sprawl,” as the comment notes, the proposed Project is part of a master-planned community originally approved in the early 1990s. The proposed Project is consistent with and implements the previously approved master plan. Please see Response to Comment H-3 of the California Native Plant Society letter.
- O-5-8** The County acknowledges and appreciates the comment. It will be included as part of the FEIR and considered by the decision makers. The commenter and the San Diego Audubon Conservation Committee will be notified of future project developments. However, the comment provides concluding remarks and does not raise any new issue or include any new substantive comment concerning the adequacy of the DEIR. For that reason, the County provides no further response to this comment.